

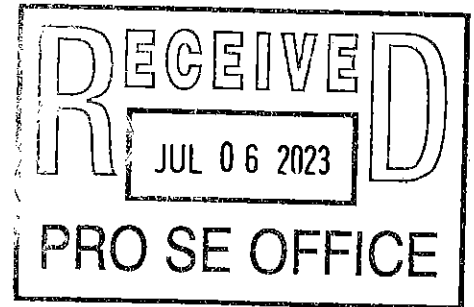
UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF WHITE PLAINS NEW YORK

CHARLES SIMON,
Plaintiff,

Case No. 23-cv-5125-

v.

FEDERAL PRISON INDUSTRIES INC.,
STEVE SCHWALB, Chief Operating
Officer of Federal Prison Industries,
Defendants.



Motion Under Affidavit Invokes Motion For Preliminary Injunction Fed. R. of Civ. Pro. 65

I Charles Simon/Pro Se litigant, Plaintiff in the above entitled action Sworn on the 5th day of July 2023 , and upon the Verified Complaint incorporated with memorandum of law, accompanied with Exhibit rest on Summary Judgement Fed.R.Civ.Pro 56, in support of Motion for Preliminary Injunction. Thus, the documented evidence of fact show the Chief Operating Officer of Federal Prison Industries fraud discriminatory policy under 28 C.F.R. Part 301, show repeated violation of several statutory rights, includes violation of United States Constitutional Rights under the First, Fifth and Eighth Amendment. The COO's fraud Policy Under 28 C.F.R. Part 301, applies different terms and conditions imposing substandard compensation and effectively freezes the entire Inmate Accident Compensation Procedure enacted by Congress, under 18 U.S.C. sec. 4128 attending 28 C.F.R. sec. 301.314 et seq., into discriminatory patterns that exist before the Act. The asserted facts of the wholly distorted ambiguous policy under 28 C.F.R 301 is explicated by the Chief Operating Office's own words states: "Your claim is

subject to the provision of 28 C.F.R. 301 governing Inmate Employees' of Federal Prison Industries."

The unconstitutional policy 28 C.F.R. Part 301 practice conflict with the holding of U.S. v Demko, 385 U.S. 149 (1966); Grande v United States, 350 F2d. Cir.(1966) and in disaccord with Congressional intent.

Therefore, enjoin 28 C.F.R Part 301.discriminatory practice upon the enforcement of Title VII of the Civil Rights Act of 1964, 42 U.S.C. sec. 2000e; See McDonnell Douglas Corp., V. Green, 411 U.S. 792 (1973);

Briggs v. Duke Power Co., 410 U.S. 413 (1971). Pro Se Plaintiff's Constitutional Rights is continuously

being abridge and will continue should the administrative procedure under 28 C.F.R Part 301 be enjoined from such prohibition.

UNITED STATES DISTRICT COURT JUDGE

Certificate of Service

The Affidavit Invokes Motion For Preliminary Injunction Fed. R. of Civ. Pro. 65, And the Motion Under Affidavit Invokes Motion For Preliminary Injunction Fed. R. of Civ. Pro. 65 was mailed to Damian William, United States Attorney, U.S. Attorney's Office 1 Saint Anders Plaza, New York City N.Y. 10007 mailed July 5, 2023 United States Postal Service overnight express.

Charles Serrano